IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 8761 of 2000

Between:

1. R.Prasad Reddy, S/o Sivasankar Reddy,
   R/o. 28/418, Rameswaram, Proddatur, Cuddapah District.
2. A.Srinivasulu, S/o Veeraiah, Power House Road,

Proddatur, Cuddapah District.
3. K.Swarnalatha, W/o Naga Seshareddy,
   R/o. Sastrynagar, Proddatur, Cuddapah District.

..... PETITIONERS

AND

1. The Commissioner and Director of Municipal

Administration, Hyderabad, Andhra Pradesh.
2. The District Collector,
   Cuddapah.
3. The Commissioner of Municipality,
   Proddatur, Cuddapah District.
4. The District Medical and Health Officer,
   Cuddapah.
5. The Managing Director, A.P.Health,
   Medical and Housing Infrastructure

Development Corporation, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly a Writ of Mandamus declaring the action of the respondents in constructing Health Centre in a place which is notified as Municipal Children Park, at Y.M.R.Colony, Proddatur town as illegal, improper, unjust and contrary to law and judgments of the Hon'ble Supreme Court and this Hon'ble Court and further direct the respondents to keep the Municipal Children Park intact and pass such orders as it may deem fit and just.

Counsel for the Petitioner: MR.G.VIDURUDU

Counsel for the Respondent No.1,2 & 5: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos. 3: Mr. Vijaya Kumar, SC for Rayalseema Municipalities.

The Court made the following :

ORDER:

The petitioners who are elected councilors of 25th, 28th and 36th Wards stated that under the World Bank IPP-VIII Mission, Municipalities were directed to identify 500 to 100 Sq. Yards land for construction of Urban Health Centres. While so, Dudekula Creation Centre, Vacant Land besides Municipal Elementary School in Sy. No. 734 and the land near reading room, YMR Colony Municipal Park were identified, but on behalf of the residents of YMR Colony Municipal, the petitioners represented to the respondent No.3 that the public park cannot be converted to be used for any other purpose. But, the it is alleged that the authorities have started construction at Municipal Children Park, YMR Colony. Therefore, the petitioners made representation to the respondents on 7.5.2000, but it was not considered. Therefore, the petitioners came up with the present writ petition.

At the time of admission of the writ petition, an interim order was passed on 16.5.2000, directed the petitioners to proceed with the construction of Health Centre, leaving adequate space for the Municipal Children Park. Having regard to the facts and

circumstances of the case and in view of the nature of interim direction granted on 16.5.2000, I am of the considered view that the writ petition can be disposed of making the interim direction as the direction in this writ petition. Accordingly, the writ petition is disposed of making the interim direction as the order in this writ petition. No order as to costs.

Elipe Dharma Rao, J.

July 15, 2005

To

1. The Commissioner and Director of Municipal

Administration, Hyderabad, Andhra Pradesh.
2. The District Collector,
   Cuddapah.
3. The Commissioner of Municipality,
   Proddatur, Cuddapah District.
4. The District Medical and Health Officer,
   Cuddapah.
5. The Managing Director, A.P.Health,
   Medical and Housing Infrastructure

Development Corporation, Hyderabad.

6. Two CCs to the Govt. Pleader for Municipal Administration &

Urban Development, High Court Buildings, Hyderabad.

7. 2 CD copies

*Form-NIC-OGS/WP{**SUNITHA**}*